

ORIGINAL

PATENT
Atty. Docket No.: Le A 33 820

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Cheung, *et al.*

SERIAL NO.: 09/743,827

FILING DATE: January 16, 2001

TITLE: Antiparasitic Artemisinin Derivatives (Endoperoxides)

PETITION, FEE AND STATEMENT OF FACTS SUPPORTING A FILING
ON BEHALF OF NON-SIGNING INVENTOR UNDER 37 C.F.R. § 1.47(a)

Commissioner for Patents and Trademarks
Washington, D.C. 20231

Sir:

This Petition is made in accordance with 37 C.F.R. § 1.47(a) in the above-captioned application in support of filing on behalf of William Wai-Lun Lam, a co-inventor of the claimed subject matter. Applicants have made diligent efforts, as described below and in the attached Declaration of Richard Haynes, to obtain the signature of Mr. Lam on the enclosed Combined Declaration and Power of Attorney. Applicants therefore request that they be allowed to file the instant application without Mr. Lam's signature.

The instant application was originally filed in the EPO on July 14, 1998 on behalf of the Hong Kong University of Science and Technology (HKUST). Bayer AG, D 51368 Leverkusen, Germany, subsequently obtained rights in the invention disclosed and claimed therein. An assignment to Bayer AG from all inventors, except Mr. Lam, was executed. In preparation for filing the application in the U.S., the Assignee sought to

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obtain signatures on the Combined Declaration and Power of Attorney form from the inventors with the aid of the HKUST. Mr. Lam's last known address is

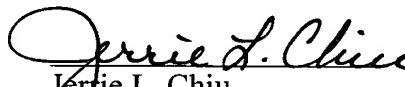
102, Hongo 5-6-6, Bunkyo-ku, Hongo, Tokyo, Japan, 113

but Mr. Lam is no longer residing at that address. Representatives of HKUST contacted Mr. Lam's last known employer, namely the University of Tokyo. The University of Tokyo did not have a forwarding address for Mr. Lam. Representatives from the HKUST then contacted Mr. Lam's parents on multiple occasions to inquire as to the current address and/or telephone number of Mr. Lam. On all such occasions, Mr. Lam's parents claimed not to have such information.

Applicants therefore submit that diligent efforts to obtain the signature of Mr. Lam were made and request that they be permitted to submit the attached Declaration without Mr. Lam's signature. Please charge all fees due with this petition, including those specified under 37 C.F.R. § 1.17(h), to deposit account number 13-3372.

Respectfully submitted,

Dated: July 24, 2001
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